

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:20cr141-MHT
)	(WO)
SIREKO LOMON NETTLES)	

ORDER

This cause is before the court on defendant Sireko Lomon Nettles's unopposed motion to continue his trial. Based on the representations made on the record on May 4, 2021, and for the reasons set forth below, the court finds that jury selection and trial, now set for June 7, 2021, should be continued pursuant to 18 U.S.C. § 3161.

While the granting of a continuance is left to the sound discretion of the trial judge, *see United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within

seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether a failure to grant the continuance "would be likely to ... result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... the reasonable time necessary for effective preparation, taking into account the exercise of due diligence," § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Nettles in a speedy trial. Defense counsel is still gathering evidence in the

case--a task made more difficult because the alleged incident took place in December 2018. Nettles is not in custody. And, finally, the government does not oppose the requested trial continuance. The court finds that a continuance of the trial is necessary in order to ensure that the parties can present their sides effectively.

Accordingly, it is ORDERED as follows:

(1) Defendant Sireko Lomon Nettles's unopposed motion to continue trial (Doc. 25) is granted.

(2) The jury selection and trial, now set for June 7, 2021, are reset for August 16, 2021, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

The United States Magistrate Judge shall conduct a pretrial conference prior to the August trial term.

DONE, this the 4th day of May, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE